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## PANCHAYATI RAJ DEPARTMENT

### NOTIFICATION

The 5th May 2006

No.3640—RE-73/05(Pt IV)/PR.—The following draft of certain rules which the State Government propose to make in exercise of the powers conferred by section 32 of the National Rural Employment Guarantee Act, 2005 (Act 42 of 2005) is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of 15 days from the date of publication of this notification in the *Orissa Gazette*.

Any objection or suggestion which may be received from any person in respect of the said draft before the expiry of the period so specified above will be considered by the State Government.

### DRAFT RULES

#### 1. Short Title and Commencement:

(1) These rules may be called the National Employment Guarantee (Orissa Rural Employment Guarantee Council & Fund) Rules, 2006.

(2) They shall come into force on such date as the State Government may by notification appoint.

#### 2. Definitions :

1. In these rules, unless the context otherwise requires :

- (a) 'Act' means the National Rural Employment Guarantee Act, 2005 (Act 42 of 2005);
- (b) 'District Programme Co-ordinator' means the Chief Executive Officer of the Zilla Parishad in the District;
- (c) 'Fund' means the Orissa Rural Employment Guarantee Fund established under section 21 of the Act;
- (d) 'Programme Officer' means the Executive Officer of the Panchayat Samiti in the Block;
- (e) 'Scheme' means the 'Orissa Rural Employment Guarantee Scheme' notified under section 4 of the Act (OREGS); and
- (f) 'State Council' means the Orissa Rural Employment Guarantee Council constituted under section 12 of the Act;

- (g) All other words and expressions used in these rules but not defined shall have the meaning respectively assigned to them in the Act.

### **3. Constitution of State Council:**

The State Council shall be constituted with the Chief Minister as the Chairman, the Minister, Panchayati Raj as the *ex officio* Vice-Chairman and with the following official and non-official members, namely:—

#### **Official Members :**

- (1) Chief Secretary
- (2) Development Commissioner & Secretary, Planning & Co-ordination
- (3) Agriculture Production Commissioner
- (4) Principal Secretary/Secretary, Finance
- (5) Principal Secretary/Secretary, Rural Development
- (6) Principal Secretary/Secretary, Labour
- (7) Principal Secretary/Secretary, Forest & Environment
- (8) Principal Secretary/Secretary, Works
- (9) Principal Secretary/Secretary, Water Resources
- (10) Principal Secretary/Secretary, SC/ST Development
- (11) Principal Secretary/Secretary, Law
- (12) Principal Secretary/Secretary, Panchayati Raj and State Programme Co-ordinator and Member-Secretary of the Council.

#### **Non-Official Members :**

- (1) One Sarpanch of Grama Panchayat
- (2) One Chairperson of Panchayat Samiti
- (3) One President of Zilla Parishad
- (4) Four persons from organization of workers and disadvantaged groups.

### **4. Manner of appointment and term of non-official Members:**

- (1) The Chairman shall nominate the non-official Members.
- (2) The Sarpanch of the Grama Panchayat, Chairperson of Panchayat Samiti and President of Zilla Parishad who shall be nominated to the Council shall have a three-year term. Where the nomination is by designation, the successor in office shall be a member for the remainder of the term.
- (3) The nomination of representative of workers and disadvantaged groups will be for a period of three years. Where the nomination is made by designation, the successor will be a member for the remainder of the term.
- (4) Not less than one third of the non-official members shall be women.
- (5) Not less than one-third of the non-official members shall belong to the Scheduled Castes, Scheduled Tribes and Other Backward Classes.
- (6) The State Government may renew/extend the term of non-official member upto five years. The same person can be renominated even after five years.
- (7) The non-official members will be entitled to TA/DA and other perks as admissible to Class-I Officers of the State.

## 5. Constitution of Committees:

The Chairman of the State Council will constitute such number of Committees to assist the Council in discharge of its duties and functions as required. The Committees will meet as often as possible and ordinarily the recommendations of the Committee will be placed before the Council for approval and implementation. In case of exigency with the approval of Chairman, the recommendation of the Committees will be implemented and the same will be ratified in the next meeting of the State Council.

## 6. The functions of the State Council:

1. The functions of the State Council will be as follows:—

- (a) Advising the State Government on all matters concerning the scheme and its implementation in the State;
- (b) Determining the preferred works;
- (c) Reviewing the monitoring and redressal mechanisms from time to time and recommending improvements;
- (d) Promoting the widest possible dissemination of information about this Act and the Schemes under it;
- (e) Monitoring the implementation of the Act and the Schemes in the State and co-ordinating such implementation with the Central Council;
- (f) Preparing the annual report to be laid before the Orissa Legislative Assembly by the State Government;
- (g) The power to undertake an evaluation of the Schemes operating in the State and for that purpose to collect or cause to be collected statistics pertaining to the rural economy and the implementation of the Schemes and Programmes in the State;
- (h) Any other duty or function as may be assigned to it by the Central Council or the State Government.

2. The Orissa Rural Employment Guarantee Council will sit not less than once in a six month to transact business at any place of the State and can take up proceedings as per agenda.

## 7. Orissa State Employment Guarantee Fund:

(1) There shall be a Fund called State Rural Employment Guarantee Fund for the purpose of carrying out the various tasks under the National Employment Guarantee Act, and Scheme framed by State styled as “ Orissa Rural Employment Guarantee Scheme”.

(2) After due appropriation made by the State Legislature in this behalf, grants or loans, as the case may be, shall be credited to the Fund for which an account will be opened exclusively in Nationalized Bank to be operated by custodian of Nodal Department, i.e. Panchayati Raj Department.

(3) The fund shall comprise of funds provided by the Central and State Governments for implementing Scheme.

(4) The expenditure from the Fund shall be made on the basis of general or special guidelines issued by the State Council.

(5) The fund will consist of the following sub-funds, namely:—

(i) **Wage Fund:** This fund will meet the expenditure on unskilled labour employed in the projects implemented in the Scheme.

(ii) **Material Fund:** This fund will meet the expenditure on materials, semi-skilled and skilled labour employed in the projects implemented in the scheme.

(iii) **Administrative Expenses Fund:** This fund will meet the expenditure on Administrative expenditure incurred by the Implementing Agencies in implementing and administering the scheme and the administrative expenses of the State Council.

(iv) **Unemployment Allowance Fund:** This fund will meet the expenditure on providing unemployment allowance under the Act.

## **8. Assets of the Fund :**

(i) All sums of money transferred to the Fund by the State Government after due appropriation by the State Legislature.

(ii) Loans given by the Central/State Government.

(iii) Income on interest and income from the investments of funds.

iv) The State Government may permit contributions to the Fund in the form of donations, grants or loans from statutory bodies created under the Acts of Parliament or of the State Legislatures, the United Nations and its associated bodies, other International Organizations, Private and Public Corporate Sectors, Trusts, Societies and individuals and all such income received by way of donations, loans and grants which may be accepted by the Committee shall be credited to the Fund.

## **9. Custodian of Fund:**

(1) The Member-Secretary of the State Council shall be the Custodian of the Fund.

(2) The District Programme Co-ordinator shall be the Custodian of the Fund at the District level.

(3) The Programme Officer shall be the Custodian of the Fund at the Block level.

(4) All implementing and executing agencies are liable to render true, correct and proper accounts of funds released to them from the fund to the Programme Officer, District Programme Co-ordinator and the State Government as and when called upon to do so generally or specifically.

## **10. Duties and responsibilities of the Custodian:**

(1) The custodian shall be responsible for organizing release of funds from the Fund to the District Programme Co-ordinator for implementation of projects under the scheme in accordance with the general or special guidelines.

(2) The custodian may delegate powers to any official in the Department of Panchayati Raj not below the rank of Under-Secretary to release funds to the Programme Officer after prior approval of the proposal.

(3) The custodian shall furnish half yearly reports to the State Council regarding the receipts into the Fund, releases, expenditures and balances in the Fund of the Scheme.

(4) The custodian shall prepare an Annual Report as the State Council directs which shall consist of the Annual Financial Statement indicating the receipts into the Fund and releases made to the implementing agencies from the fund, the expenditures from the fund and the balances in the fund comprising of undisbursed receipts and unutilized releases at the level of the implementation agencies.

(5) The custodian shall furnish reports as may be prescribed by the Central Employment Guarantee Council or the Central Government regarding the demand and utilization of funds received from the Central Government and the State Government.

## 11. Fund Flow :

(1) Before the beginning of each financial year, the State Government will present their Annual Work Plan and budget to the Central Government. The State Government will also in their annual work plan and budget submit proposals, if any, for any work other than the ones specified in Schedule I of the Act. The share released by Government of India directly to District Programme Co-ordinator under intimation to State Government, P.R. Department shall be credited to a separate bank A/c in the name and style of ' Orissa Rural Employment Guarantee Fund Account'. The said account shall be operated jointly by DPC and Project Director, DRDA who has been designated as Additional DPC by the State Government.

(2) The release from the 'Orissa Rural Employment Guarantee Fund Account' towards matching State share against Central release shall be done within 15 days of Central release. The transfer of fund from State account to the A/c of DPC shall be done by way of electronic transfer or otherwise.

(3) Like-wise, the District Programme Co-ordinator will release funds to Programme Officer on getting a proposal that he has utilized 60% of funds available with him under the scheme along with other particulars as spelt out in the scheme/guidelines which may be by way of electronic transfer or by any other means or in shape of a cheque/demand draft to be credited to Fund Bank A/c at Block level. Accounting will be maintained in 4 components as spelt out in the scheme. The scheme fund A/c at the Block level will be operated jointly by Programme Officer and Additional B.D.O who has been notified as Additional Programme Officer for the Act/Scheme.

(4) The Programme Officer will release fund to G.P when the latter approaches him for release of funds after utilizing 60% of the available fund along with other particulars as spelt out in the scheme/guidelines. It may be by way of electronic transfer or otherwise or by way of book transfer to the A/c of the fund at G.P level. The scheme fund A/c at G.P. level will be jointly operated by Sarpanch and Executive Officer of the G.P. or Secretary in latter's absence. The fund will be regulated as per the 4 components (sub-schemes) spelt out in the scheme and existing financial Act/Rules/Procedures will be followed for the purpose.

(5) If any willful or intentional delay/negligence is noticed at any official/non-official level while carrying out any of the provisions of the Act/Rules framed there under/Scheme and guidelines, the official/non-official will be liable to penal action/disciplinary action as spelt out in the Act/Rules by State Government. Besides, recovery will be effected from the erring officials/non-officials to the extent of pecuniary loss caused to Government for payment of unemployment allowance or otherwise.

**ORDER:** Ordered that the notification be published in the next issue of the *Orissa Gazettee* and copies thereof be supplied to all Departments of Govt./all H.O.Ds./all R.D.Cs./all Collectors/ all P.D., D.R.D.As./all B.D.Os.

By order of the Governor

S. N. TRIPATHI  
Commissioner-cum-Secretary to Government